

Remarks

1. Interview Summary

On September 17, 2008, the undersigned held a telephone interview with Examiner Osman, during which we discussed the claim rejections and the Garrett reference. The following is a synopsis of our discussion, culminating in our agreement that Garrett does not anticipate the claims.

As set forth in the response after final, Garrett does not teach the combination of (i) positive authentication by the service provider and then, (ii) *in accordance with the authentication response*, disallowing a predetermined type of communication from passing from the subscriber to outside of the access network.

In the response after final, the Examiner focused on the language that "[w]ith Garrett's teaching, the denial of packet communication occurs when there has been no authentication". However, that was not the entirety of Applicant's statement. Applicant went on to clarify by stating that, in Garrett, the denial of packet communication occurs *when the client station's assigned IP address is not one associated with any of the service providers*. That teaching of Garrett is in great contrast with the invention recited in Applicant's claims.

According to claim 13, for example, an IP address is assigned to a subscriber in an access network in response to successful authentication by a given service provider, and the assigned IP address is in an IP subnet that is set aside for subscribers that have been authenticated by that service provider. Claim 13 then goes on to recite handling communications of the subscriber according to the logic set established for that IP subnet, including disallowing at least a predetermined type of communication from passing from the subscriber to outside of the access network.

At paragraphs 0026-0027 and Figure 6, Garrett teaches source IP address based routing, where an outbound packet from a given device 101 gets routed to the service provider network with which the IP address assigned to the device is associated. In particular, Garrett specifically teaches that if the source IP address is associated with any of the service providers, then the packet would be routed from the access network to that service provider's network, regardless of its ultimate destination address. And Garrett then teaches that if the source IP address is not associated with any of the service providers, then the outbound packet communication may be denied.

This arrangement in Garrett is very different from the functionality recited in claim 13, where at least a particular type of communication is disallowed from passing from the subscriber to outside of the access network *according to logic for the IP subnet set aside for subscribers that have been authenticated by the designated service provider.*

In Garrett, the denial of communications would occur upon determining that the packet is coming from a device IP address that is *not associated with any of the service providers*. But in Applicant's claims, the denial of communications would occur according to logic for the IP subnet (or other designated layer) that is set aside for subscribers that have been authenticated by the designated service provider.

Given this distinction, we agreed that Garrett does not anticipate the claims.

The Examiner also noted Garrett's teaching at paragraph 0041 that an access network can offer differentiated services in terms of the share of access link capacity or aggregate capacity provided for subscribers to particular service networks. However, we discussed that the present invention additionally advances by having the authentication response provide a service qualification that specifies one or more types of communications and indicates for each type

whether the authenticated subscriber is allowed to engage in the type of communication, and the access network then restricting subscriber communications pursuant to that service qualification.

The Examiner suggested that Applicant amend the claims to make that point more clear.

2. Status of the Claims

In accordance with the interview, Applicant has amended claims 13, 21 and 23 to add that the service qualification provided in the authentication response from the selected service provider specifies one or more types of communication and, for each specified type of communication, specifies whether the first client station is allowed to engage in the specified type of communication, and to add that the access network not only serves the subscriber in accordance with the logical layer associated with the selected service provider but also in accordance with the service qualification – particularly, for each type of communication specified in the service qualification, allowing or disallowing the type of communication by the subscriber as specified by the service qualification.

This amendment is supported by the specification as filed, for instance at pages 16-19, which disclose that the service qualification can indicate what types of communication (e.g., FTP, HTTP, SIP, etc.) the subscriber is allowed to engage in, possibly in the form of markup (e.g., DIAMETER messaging), and a gateway of the access network then not only segregating the subscriber to the logical layer associated with the service provider but also imposing the service qualification(s) as indicated.

Applicant submits that the claims as written before this amendment patentably distinguished over the art of record. Applicant further submits that the claims as now written also patentably distinguish over the art of record. Therefore, Applicant respectfully requests allowance of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Date: October 14, 2008

By: Lawrence H. Aaronson
Lawrence H. Aaronson
Reg. No. 35,818